

# **Article IV.**

## **H-1**

### **Historic District**

## ARTICLE IV. H-1, HISTORIC DISTRICT

(A) *Intent.* It is the intent of this district to preserve the historic sites and structures of the City. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the H-1 Historic District, as shown on the official zoning map of Murfreesboro, Tennessee, the following regulations shall apply.

(B) *Use regulations.*

- (1) Any use permitted by the underlying zoning classifications is also permitted by the H-1 Historic District.
- (2) The H-1 District classification may be superimposed in addition to existing zoning classification where the following criteria shall be determined to exist by the Historic Zoning Commission.

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) that are associated with the lives of persons significant in our past; or
- (c) that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) that have yielded, or may be likely to yield, archaeological information.

(C) *Administration.*

- (1) No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-1 District shall be issued by the Chief Building Official until it is submitted to and receives approval in writing by the Historic Zoning Commission.
- (2) Administration shall be by the office of the Zoning Administrator and the Commission and all items regulated within the H-1 District shall be submitted to the Commission (through the office of the Zoning Administrator) for its review.

(D) *Building permit required.* All alterations, additions or new construction which, previous to the establishment of this H-1 District, required that application be made for a building permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition, it shall be

required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

Within six months of the passage of this article, the Commission shall prepare and submit to the City Council design review guidelines which shall be used by the Commission in the consideration of any application for certificate of appropriateness applied for under this article. No application may be considered by the Commission until such time as said guidelines have received the approval of Council. Guidelines shall be developed for each historic district hereafter created.

*(E) Building permit procedures.*

- (1) Applications for building permits with the H-1 District shall be made to the office of the Chief Building Official and all such applications shall be referred directly to the Historic Zoning Commission. The Commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.
- (2) Upon receiving an application for a building permit the Commission shall, within thirty days following the availability of sufficient data, issue to the office of the Chief Building Official a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
- (3) The office of the Chief Building Official shall additionally review applications for building permits (which have received written approval from the Commission) in the same manner review is made of building permit applications outside the H-1 District, and final issuance or rejection shall additionally be based upon the adopted building codes of the City. The fee charged for building permits within the H-1 District shall conform to existing fee schedules for building permits in any other zoning district within the City.

*(F) Historic Zoning Commission.*

- (1) *Creation and appointment.* In accordance with T.C.A. §13-7-401, a Historic Zoning Commission is hereby established. The Mayor and City Council shall create a nine member Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the Planning Commission, at the time of appointment; and the remaining members shall be appointed from the community in general. Commission members shall be appointed by the Mayor, subject to confirmation by the City Council. Appointments to membership on the Commission shall be arranged so that the term of one member shall expire each year and a successor shall be appointed in like manner in terms of five years. All members shall serve without compensation. The members of the Commission shall elect a chairman from among themselves to preside over meetings.

(2) *Procedure.* Meetings of the Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this article, by publication in any official newspaper or newspaper of general circulation at least three days immediately prior thereto. A majority of the Commission shall constitute a quorum for the transaction of business. The concurring vote of a majority of the Commission present shall constitute final action of the Commission on any matter before it. The Commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

(3) *Powers and duties.* The Commission shall have the following powers:

- (a) To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.
- (b) The Commission shall within thirty days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.

(c) Upon review of the application for a building permit, the Commission shall give prime consideration to:

- [1] historic and/or architectural value of present structure;
- [2] the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
- [3] the general compatibility of exterior design, arrangement, texture and materials proposed to be used; and,
- [4] to any other factor, including aesthetic, which is deemed pertinent.

(d) *Additional powers and duties.* It shall be the duty of the Commission to make the following determination with respect to the historic district:

- [1] appropriateness of altering or demolishing any building or structure within the historic district. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historic documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant;
- [2] appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district;
- [3] appropriateness of exterior design of any new extension of any existing building or structure within the historic district;
- [4] appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the

property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district; and,

[5] the general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

- (4) *Right of entry upon land.* The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this article, but there shall be no right of entry into any building without the consent of the owner.
- (5) *Liability of Historic Zoning Commission Members.* Any Commission member acting within the powers granted by this article is relieved from all personal liability for any damage and shall be held harmless by the City government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City government until the termination of the procedure.
- (6) *Jurisdiction.* The Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in T.C.A. §§27-9-102 and 27-9-103.
- (7) *Conflict of interest.* No member of the commission shall participate in a decision when the member or a family member within the fourth degree has a direct pecuniary interest in the property under consideration. No member of the Commission shall participate in a decision in violation of T.C.A. §§6-54-107, 6-54-108, 12-4-101, and 12-4-102.
- (G) *Maintenance and repair of improvements.* Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise fall into a state of disrepair.
- (H) *Remedying of dangerous conditions.* In any case where a City enforcement agency shall order or direct the construction or removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this article shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this article, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district.

The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

- (I) *Consideration of changes to public property.* In any non-emergency situation when the removal, alteration, or demolition of any public or utility improvement, infrastructure, or object (including landscaping) existing on public property or within a public right-of-way or easement within the Historic District is planned, or when the addition or construction of a public or utility improvement, infrastructure or object (including landscaping) on public property or within a public right-of-way or easement in the Historic District is planned, the government, utility, or person planning such removal, alteration, demolition, addition or construction shall afford the Historic Zoning Commission an opportunity to review and provide written comments on such proposed action prior to its initiation. Prior consultation shall not be required for maintenance or repair of an existing public or utility improvement, infrastructure, or object (including landscaping) which does not materially change its size, appearance, or function nor for changes below the surface of any public street or easement. Consultation may be required or provided even if it is not required as herein specified.
- (J) *Injunctive powers and penalties.* Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of this article, the City Attorney shall, when directed by the Mayor or City Council, forthwith apply to an appropriate court for an injunction against such violation of this article. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the City Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.

A violation of this section is punishable by a fine of not less than two dollars (\$2.00) and not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding ninety days, or by both such fine and imprisonment. Every day of violation may be held to constitute a separate offense.

**Application**  
**For**  
**Certificate**  
**Of**  
**Appropriateness**

**Murfreesboro Historic Zoning Commission**  
**Application for Certificate of Appropriateness**

City of Murfreesboro  
Planning Department  
P.O. Box 1139  
111 West Vine Street  
Murfreesboro, Tennessee 37130

Revised: March 2011  
Telephone: (615) 893-6441  
Fax: (615) 849-2606

Date \_\_\_\_\_

Property Address \_\_\_\_\_

Applicant \_\_\_\_\_ Contact Phone \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Property Owner (If different than above) \_\_\_\_\_ Contact Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**“Only exterior projects visible from a public right-of-way (R-O-W) are reviewed”**

**TYPE OF WORK:** \_\_\_\_\_ New Const. \_\_\_\_\_ Demolition \_\_\_\_\_ Alterations \_\_\_\_\_ Other

\_\_\_\_\_ Exterior Repairs/Maintenance, **no** appearance changes (Administrative)

**NEW CONSTRUCTION** (Additions are considered new construction)

1. Site plans must show entire lot with setbacks noted and site improvements (i.e. sidewalks, lighting)
2. Elevation drawings must show each façade with dimensions and material specifications
3. Front elevations must include adjacent property's principal structure (to compare size and scale)
4. Applications should include photographs, samples, product literature, manufacturer's illustrations, etc.

**DEMOLITION**

1. Application must include written description of structure's condition and reason for demolition.
2. Photographs must include structure's current condition showing all elevations and the interior of structure.
3. Provide a description of the proposed reuse of the site to include plans of the new structure.

**\*\*ALL DRAWINGS, ELEVATIONS & SITE PLANS MUST BE DRAWN TO SCALE\*\***



**ALTERATIONS** (Check each item of work to be done. If not listed please fully explain in space provided below)

<input type="checkbox"/> awning or canopy	<input type="checkbox"/> light fixtures	<input type="checkbox"/> porch flooring	<input type="checkbox"/> shutters
<input type="checkbox"/> cleaning	<input type="checkbox"/> landscaping	<input type="checkbox"/> railings	<input type="checkbox"/> siding
<input type="checkbox"/> curb cut	<input type="checkbox"/> masonry work	<input type="checkbox"/> retaining wall	<input type="checkbox"/> signs
<input type="checkbox"/> deck	<input type="checkbox"/> mechanical system	<input type="checkbox"/> roofing	<input type="checkbox"/> skylights
<input type="checkbox"/> door	<input type="checkbox"/> ornamentation	<input type="checkbox"/> satellite dish	<input type="checkbox"/> steps
<input type="checkbox"/> fence	<input type="checkbox"/> painting	<input type="checkbox"/> security doors	<input type="checkbox"/> storm doors
<input type="checkbox"/> general repair	<input type="checkbox"/> paving	<input type="checkbox"/> security windows	<input type="checkbox"/> storm windows
<input type="checkbox"/> gutters	<input type="checkbox"/> porch columns	<input type="checkbox"/> sidewalks	<input type="checkbox"/> windows

Description of all work to be performed (You may use additional pages if needed)

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Any change in the description of work shown on the application requires further review and approval from the ~~Historic Zoning~~ Commission **prior** to beginning the work. When necessary, accurate scale elevations, drawings, photographs, brochures, samples of materials and site plans are needed for review. The ~~Murfreesboro Historic Zoning~~ Commission retains all materials or copies submitted for approval.

Any action required by another body such as the Board of Zoning Appeals, Planning Commission or City Council must be approved **prior** to submittal to the ~~Historic Zoning~~ Commission. Someone must be present at the meeting to answer any questions. The representative must have the authority to commit the owner to any changes that may be suggested or required by the ~~Historic~~ Commission.

**NOTE:** There will be at least one inspection prior to completion of the project. Please call the Planning Department at 893-6441 to schedule the inspection.

Please complete and return application to the Planning Department at least ten (10) working days before the regularly scheduled meeting of the Murfreesboro Historic Zoning Commission. (Please refer to calendar)

**"All applications must include documentation that clearly illustrates  
the proposed exterior appearance of the project"**

Estimated cost of work \_\_\_\_\_

Signature (owner) \_\_\_\_\_

Signature (applicant) \_\_\_\_\_

**\*\*ALL DRAWINGS ELEVATIONS AND SITE PLANS MUST BE TO SCALE\*\***

**REMAINDER OF APPLICATION TO BE COMPLETED BY STAFF**

Application Received by \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Application approved Date \_\_\_\_\_

\_\_\_\_\_ Application approved with the following conditions. Conditions will be shown in the Minutes of the meeting and in a letter from the ~~Historic~~ Commission.

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\_\_\_\_\_ Application denied for the following reasons. The reason for denial will be shown in the Minutes of the meeting and in a letter from the ~~Historic~~ Commission.

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Application administratively approved by: \_\_\_\_\_ Date \_\_\_\_\_

**INSPECTIONS:**

1.) Approved \_\_\_\_\_ Failed \_\_\_\_\_ Date \_\_\_\_\_

2.) Approved \_\_\_\_\_ Failed \_\_\_\_\_ Date \_\_\_\_\_

**Guidelines  
For  
Alterations,  
Additions,  
Demolitions  
And Removals**

# **MURFREESBORO HISTORIC ZONING COMMISSION GUIDELINES FOR ALTERATIONS, ADDITIONS, DEMOLITIONS AND REMOVALS**

## **EAST MAIN STREET HISTORIC DISTRICT**

### **I. The Purpose of Historic Zoning**

Historic zoning is the process by which a community recognizes specific districts as being especially significant in its architectural, historical, and cultural life. Having done that, the community then develops methods to protect and enhance those qualities that make the district significant in the interests of the property owners and of the entire community. Historic zoning, then, is a positive measure that seeks to advocate the community special interests in particularly significant zones while at the same time working with property owners not only to protect their rights but also to assist in improving their personal and financial investment in their property.

### **II. Function of the Historic District**

To accomplish the purpose of historic zoning, on January 19, 1984, the City of Murfreesboro adopted a Historic Zoning Ordinance (Section 24, Overlay District Regulations) as part of the new Murfreesboro Zoning Ordinance. This ordinance specified the criteria by which the city could create special historic districts (H-1 zones) to overlay (add to but not replace) already existing use zoning. It also provided authority to establish guidelines for alterations, new construction, demolitions, and removals within designated historic districts. Finally, the ordinance called for the creation of a Historic Zoning Commission (~~architectural review board~~ Architectural Review Board) to fulfill both sets of responsibilities in the interests of the community.

Accordingly, in June 1985, the Mayor appointed a nine member Historic Zoning Commission to recommend boundaries for specific historic zoning in Murfreesboro. The ~~commission~~ Commission would then propose guidelines to assist the community and property owners in protecting and enhancing those qualities that make the specific zone historically, architecturally, or culturally significant.

The Historic Zoning Commission has recommended that the H-1 zone be created along East Main Street and several adjacent blocks. The ~~commission~~ Commission, therefore, submits these proposed "Guidelines for Alterations,

Additions, Demolitions, and Removals” for the proposed historic zone in fulfillment of our requirements under the law but also as the advocate the property owners in the district and for the people of Murfreesboro as a whole.

### **III. East Main Street Historic Zone District**

East Main Street is Murfreesboro’s principal east-west thoroughfare and the location of its most significant concentration of residential structures built from ~~1865~~ the 1830s to ~~1940~~ the 1940s. Architectural styles span the spectrum from Federal and Greek Revival ~~design~~ Design through Italianate, Queen Anne, Mediterranean Revival, Tudor Revival, and Colonial Revival styles. Frequently, Four Square residences appear ornamented with Colonial Revival details such as porches or window trims. The proposed zone also includes residential blocks of smaller bungalows and craftsman style houses dating from the 1930’s and 1940’s representing a major example of domestic architecture from those decades.

Therefore, one of the principal qualities creating architectural significance in the proposed zone is stylistic variety. These guidelines seek to protect and enhance this quality by encouraging alterations and additions that consider each structure as an individual “entity” with a “personality” of its own. Like people, no two buildings are identical, and each building must grow and change over time. We seek to protect stylistic variety by encouraging sensitive change to existing structures throughout the district. In terms of new structures, protecting stylistic variety means encouraging structures of modern design that blend well with existing structures and discouraging designs, whether of modern or traditional styles, that are intrusive or disruptive of those qualities that create architectural significance.

A second quality of the ~~proposed Historic Zone District~~ is its consistency. This may seem contradictory, but when walking around the proposed zone one is struck by the fact while there is a variety from one area to another, each block achieves a certain rhythm and harmony created by the following facts of design and setting.

#### **A. Setback**

From block to block structures are setback equally from the street or achieve the visual effect of consistent setback through the planting of trees or the building of fences at the setback lines.

**B. Scale**

From block to block buildings have relatively the same ratio among their height, width, and length. This is what we mean by scale. Although some structures have large dimensions, the majority of the structures in the proposed zone are of one to one and a half stories high, often consisting of upright elements with wings.

**C. Massing**

From block to block, the various parts of a structure such as upright elements, wings, porches and towers appear in the same proportions. Also, generally speaking, we find that structures are sited on the lot so that their depth exceeds their width.

**D. Rhythm**

From block to block, the buildings achieve consistency in the placement of doors and windows on the front facades and in dormers on the roof. The presence of pyramid shaped and complex cross-gabled roofs in large numbers contributes to this sense of rhythm. Also, the space between buildings from lot to lot remains relatively consistent creating a rhythm between facades and undeveloped areas of the lots.

**E. Material**

While noting a variety of building materials throughout the proposed zone and exceptions even within blocks, there is a general consistency of building material, predominately though not exclusively, wood, stucco and brick, from block to block.

**F. Landscaping**

The presence of large shade trees generally in the proposed zone is one of the principal qualities creating visual harmony. Though there are some blocks of which this is not true, and others where the trees have been removed, these blocks are exceptions. Property owners and the community hopefully will work together to ensure the continuation of this vital quality.

The ~~Historic Zoning~~ Commission has compiled these proposed guidelines for the East Main Street Historic District specifically to protect these amenities.

In addition to these clearly definable qualities of architectural variety and consistency or visual cohesiveness, property owner's attitudes have played a vital role in creating significance in the proposed district. Though generally these qualities will not be regulated by the ~~Historic Zoning~~ Commission, hopefully property owners will work with the ~~commission~~ Commission to ensure that future changes will continue to enhance the qualities of the ~~district~~ District.

#### IV. Spirit of Enforcement

The ~~Historic Zoning~~ Commission recognizes that the success of historic zoning depends on the spirit in which the ordinance is enforced. The ~~commission~~ Commission views itself as the advocate for the historic zones created by the City Council, both for the property owners and for the entire community. Therefore, the ~~commission~~ Commission will provide every information possible to property owners and their architects and contractors to ensure sensitivity thus protecting their property values and that of their neighbors.

The ~~commission~~ Commission has established a reference area for rehabilitating older structures in Linebaugh Library for everyone's free use. Also, we will provide as much guidance on new design as possible through the donated time of ~~commission members~~ Commission Members and ~~city staff~~ persons City Staff.

In this way we hope to ensure that these guidelines are fairly enforced and painless to heed for everyone.

#### V. Purpose

~~Design guidelines~~ Guidelines are criteria and standards which the Murfreesboro ~~Historic Zoning~~ Commission must consider in determining the appropriateness of proposed work within a historic district.

Appropriateness of work must be determined in order to accomplish the goals of ~~historic zoning~~ Historic Zoning, as outlined in Section 24, Overlay District Regulations of the Murfreesboro Zoning Ordinance:

- A. To preserve and protect the historical and/or architectural value of buildings or other structures.
- B. To regulate exterior design, arrangement, texture, and other materials proposed to be used within the ~~historic district~~ Historic District to ensure compatibility.
- C. To create an appearance which compliments the historic buildings or other structures.

- D. To stabilize and improve property values.
- E. To foster civic beauty.
- F. To strengthen the local economy.
- G. To promote the use of historic districts for the education, pleasure, and welfare of the present and future citizens of the City of Murfreesboro.

## VI. Alterations to Existing Buildings and Property

### A. Definition

Alteration: A change in building material; the addition of any architectural feature of a structure; a repair that reconstructs any part of an existing building; an addition that extends or increases floor area or height of any building; addition of accessory structures.

### B. General Principles

These ~~guidelines~~ Guidelines shall apply only to the exteriors of buildings and to areas of lots visible from public rights-of-way.

Proposals for exterior work to be done on ~~public facades~~ visible from the public right-of-way - front and street related elevations - shall be more carefully reviewed than ~~that done on~~ are other facades.

The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any original or historical material, or of any other significant, distinctive architectural features, should be avoided.

All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance other than the original construction shall be discouraged.

Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.



Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site, shall be treated with sensitivity.

Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.

The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that damage historic building materials shall not be undertaken. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to a project.

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material; and when such a design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

### **C. Guidelines for Alterations**

#### **1. Additions:**

Additions are areas that increase the living or working space of a structure. This does not include the addition of architectural detail elements.

Additions should follow the guidelines for new construction.

#### **2. Roofs:**

Original roof pitch and configuration should be maintained.

The size and shape of original dormers should be maintained. Dormers should not be introduced where none existed originally. The original size, shape, material and design of chimneys should be maintained. All masonry penetrations through or above the roof should be maintained.

Original roof materials and color should be retained. If replacement is necessary, original material should be used. Composition shingles may be substituted for original roofing when it is not economically feasible to replace or repair with original materials or when the original roof is beyond repair. The color and texture of composition shingles should be appropriate to the architectural style and period of the structure.

3. Porches:

Original details and shape, outline, roof height, and roof pitch should be retained.

Original porch materials and architectural details should be maintained. If different materials are substituted, they should be a close visual approximation of the original.

The enclosing of front and side porches visible from the public right-of-way is inappropriate.

The enclosing of side porches may be considered appropriate if the visual openness and character of the original porch is maintained.

4. Windows:

The original type, size and shape of windows should be maintained.

The original number and arrangement of panes should be maintained. The size (width) of muntins should be maintained.

The characteristic window shape in the area is vertically rectangular-higher than it is wide. Horizontally proportioned windows are generally not appropriate.

Painted aluminum storm windows, and screens and blind-stop windows are more appropriate than shiny raw mill finished storm windows and screens.

Shutters, unless appropriate to the style of the building, should not be introduced. Shutters should fit an opening in height and width so that if they were closed, the opening would be covered.

New window openings should not be introduced unless they match the existing window configuration and their placement harmonizes with the existing rhythm of opening.

Original windows should not be filled in.

5. Doors:

The original size and shape of door openings should be maintained.

Original transoms, side lights, and ~~door doors~~ should be maintained.

Replacement doors should be compatible with original doors in terms of style and material. Flush doors are generally inappropriate.

Painted aluminum storm doors, screen doors and ~~blind stop~~ and full view storm doors are more appropriate than shiny raw mill finished storm doors and screen doors.

Generally, new door openings should not be introduced on facades visible from the street.

Original door openings should not be filled in.

6. Architectural Details:

Original details should not be removed.

The replacement of irreparable details should be with close visual approximations of the originals based on historical or physical data where available.

The replacement of missing original details should be based on accurate duplication, or should be close visual approximations of the originals, based on historic, physical, or pictorial documentation.

Architectural details of any period or style not original to the building should not be introduced.

Changes that have taken place in the course of time, which is evidence of the history and development of a building, and its environment may have acquired significance in their own right; their significance should be recognized and respected.

7. Material:

Original building materials include wood, brick, stone, terra cotta and stucco. Original roof materials include slate, metal, and on twentieth century buildings, composition shingles.

Original buildings and roofing materials should be retained. If replacement is necessary, it should be with original materials or close visual approximations of the original.

Masonry: Masonry repointing should be done with care to match the original mortar color. The use of portland cement should be avoided when repointing old brick due to the high strength characteristic of the cement, which can cause old brick to crack and spall.

Original tooling configuration and joint width should be maintained.

Cleaning should be done with the gentlest means possible. Since sandblasting causes severe damage to brick and mortar, its use shall be avoided.

Painting of brick or stone unless originally painted is inappropriate.

Wood: Wood siding should be retained. Original siding should not be covered or replaced with a material or texture not original to the building. Cement fiberboard siding, similar in texture, size and weather to the original material, may be approved.

Replacement wood siding should be consistent with the original in size, direction and lap dimension.

Original wall shingles should be maintained.

Stucco: Stucco materials should be retained. Original stucco should not be covered or replaced with a material or texture not original to the building.

Replacement stucco should be consistent with the original in size, direction, texture and dimension (thickness).

Synthetic Covering Materials: In general, the use of synthetic covering materials is discouraged due to the damaging effect the materials can have to the structure of the older buildings; unless the covering materials are vented properly, retention of moisture can damage the existing structure. Some covering materials are very susceptible to denting. Synthetic covering materials decrease the ability of the owner to monitor deterioration of the original structure and materials that might be occurring beneath the covering materials. Synthetic covering materials also have the potential for creating fire hazards by the inaccessibility to burning materials beneath the covering materials.

In some circumstances, the use of synthetic covering materials such as cement fiberboard may be appropriate where duplicate replacement materials are not available. If synthetic covering materials are used, dimensions of the original elements including relationship to the corner boards, window trim and other architectural details should be maintained.

8. Color:

The ~~Historical Zoning~~ Commission does not review and regulate paint colors. The ~~Historic Zoning~~ Commission maintains information on and will advise provide advice on appropriate historic paint colors upon request.

9. Accessory Structures:

Accessory structures related to a building (fences, walls, street lamps, stoops, paving, sidewalks, signs, terraces, drives, game courts, pools and decks) should be visually compatible with the environment to which they are related.

a. Fences:

Low retaining walls in front yards should be kept where they exist. New retaining walls should conform in materials and color with the existing structures on the lot.

Fences are generally not present in the ~~district~~ District, but they may be added to a lot if they are similar material to other fences and structures in the vicinity, and if they are

constructed so as to not disrupt the visual harmony of the front area of the lots.

The preferred type of fencing is of formal wrought iron, wood or brick. ~~Generally wood or chain link fences on the front of the lot should be avoided.~~ Chain link fences are inappropriate.

- b. Signs:  
All signs must comply with the Murfreesboro Sign Ordinance. Signs attached to the structure shall not cover any architectural detail.
- c. Landscaping:  
All aspects of site development should be sympathetic to the character of landscape development, type of plants, and spatial treatment of adjacent properties.
- d. Lighting:  
Original light fixtures should be retained ~~wheresoever~~ wherever possible. When retention is not reasonably possible, replacement fixtures should be and in keeping with the collective characteristics of the property and surroundings.

## VII. New Construction

### A. Definition

New Construction: The construction of any freestanding structure on any lot.

### B. General Principles

~~These guidelines~~ Guidelines shall apply only to the exteriors of buildings.

The ~~public~~ facades visible from the public right-of-way - front and street related elevations - of proposals for new ~~buildings~~ construction shall be more carefully reviewed than other facades.

Since construction in a ~~historic district~~ the Historic District has usually taken place continuously from the ~~late~~ early nineteenth and ~~early~~ through the late twentieth centuries, a variety of building types and styles result which demonstrate the changes in building tastes and technology over the

years. New buildings should continue this tradition while complementing and being compatible with other buildings in the area.

New construction should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details and color; roof shape; orientation; and proportion and rhythm of openings.

### **C. Guidelines For New Construction**

1. Height:

New buildings must be constructed to a height, which is compatible with the height of adjacent buildings.

2. Scale:

The size of a new building, its mass in relation to open spaces, and its windows, doors, openings, and porches should be visually compatible with the surrounding buildings.

3. Setbacks and Rhythm of Spacing:

The setback from front, side and rear yard of property lines established by adjacent buildings must be maintained. When a definite rhythm along a street is established by uniform lot and building width, infill new buildings should maintain the rhythm.

4. Relationship of Materials, Texture, Details and Material Color:

The relationship and use of materials, texture, detail, and material color of a new building facade shall be visually compatible with and similar to those of adjacent buildings, or shall not contrast conspicuously.

5. Roof Shape:

The roofs of new buildings shall be visually compatible, by not contrasting greatly with the roof shape, materials and orientation of surrounding buildings.

6. Orientation:

The site orientation of new buildings shall be consistent with that of adjacent buildings and shall be visually compatible. Directional

expression shall be compatible with surrounding buildings, whether that expression is vertical, horizontal, or non-directional.

7. Proportion and Rhythm of Openings:

The relationship of width to height of windows and doors, and the rhythm of solids to voids in new buildings shall be visually compatible with the surrounding buildings.

8. Accessory Structures:

Accessory structures related to a building (fences, walls, street lamps, steps, paving, sidewalks, signs, terraces, drives, game courts, pools and decks) should be visually compatible with the environment to which they are related.

## VIII. Demolition

### A. Definition

Demolition: The tearing down of a principal or accessory structure.

### B. General Principals

Since the purpose of ~~historic zoning~~ Historic Zoning is to protect historic properties, the demolition of a building, which contributes historically or architecturally to the character, and significance of the ~~district~~ District is inappropriate and should be avoided.

### C. Guidelines

Demolition is inappropriate when:

1. A building is of such architectural or historical interest and value that its removal would be detrimental to the public interest.
2. Building is of such old, unusual or uncommon design ~~of or~~ materials that it could not be reproduced or be reproduced without great difficulty and expense.
3. Its proposed replacement would make a less positive visual contribution to the ~~district~~ District, would disrupt the character or would be visually incompatible.



Demolition is appropriate when:

1. A building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the ~~district~~ District.
- ~~3-2.~~ A building does not contribute to the historical or architectural character and importance of the district and its removal will result in a more positive, appropriate visual effect on the ~~district~~ District.
3. The denial of the demolition will result in an economic hardship on the applicant as determined by the ~~Historic Zoning~~ Commission in accordance with the Historic Zoning Ordinance.

## **IX. Relocation**

### **A. Definition**

Relocation: The moving of a structure in a ~~district~~ District from one site to another, removal of a structure out of the ~~district~~ District, the moving of a structure into a ~~district~~ District.

### **B. General Principles**

The moving of an existing structure, which retains architectural and historic integrity and which contributes to the architectural and historic character of the ~~district~~ District should be avoided.

The moving out of the ~~district~~ District of a structure which does not contribute to the historical and architectural integrity of the ~~district~~ District or which has lost architectural integrity due to deterioration and neglect shall be appropriate if its removal or the proposal for its replacement will result in a more positive, appropriate visual effect on the ~~district~~ District. A building may be moved into the district if it maintains a sense of architectural unity in terms of style, height, scale, massing, materials, texture, and setback with existing buildings along the street.

### **C. Guidelines**

Relocated buildings must be carefully rebuilt to retain and maintain original architectural details and materials.

A building may be removed from one site to another in the ~~district~~ District when:

1. The integrity of location and setting of the building in its original location has been lost or is seriously threatened.
2. The new location will be similar in setting and siting.
3. The building will be compatible with the buildings adjacent to the new location in style, height, scale, materials, and setback.
4. The relocation of the building will not result in a negative visual effect on the site and surrounding buildings from which it will be removed.

~~Revised: 9/17/01~~

# **Rules Of Procedure**

## **Murfreesboro Historic Zoning Commission**

### **Rules of Procedure**

#### **I. INTRODUCTION**

Part 4 (13-7-401) of the Tennessee Code states, "...it is the purpose of this part to strengthen the economy of the state and of the adopting governmental entities by stabilizing and improving the property values in historic areas, by encouraging rehabilitation and new construction and development that will be harmonious with the historic structures, areas and districts, and by preserving and rehabilitating buildings which are of significance to historic districts." Historic Zoning is a form of overlay zoning established by government ordinance which provides for review by a ~~historic zoning commission (architectural review board)~~ Historic Zoning Commission (Architectural Review Board) of all applications for alterations, new construction, demolition and relocation within council designated historic districts. The purpose of the review is to determine, based on ~~design guidelines~~ Design Guidelines, the appropriateness of the proposed work in order to protect and preserve the architectural and historical resources and visual qualities, which make an area distinctive. Historic ~~zoning~~ Zoning protects buildings and property owners, has a positive economic effect, and conserves irreplaceable community resources. Historic ~~zoning~~ Zoning does not change or affect the use of the property. When enacted, the provisions of Historic Zoning ~~historic zoning~~ apply to an area in addition to the existing zoning regulations in that area, whether the land is zoned for residential, commercial, office or another use, because it is a type of "overlay" zoning.

#### **II. THE COMMISSION**

- A. **General:** The Historic Zoning Commission shall be composed of nine (9) members including: an architect, if available; a member of the Planning Commission, at the time of his/her appointment; a representative of a local patriotic or historic organization; and the remaining members shall be appointed from the community in general. With the exception of the original Commission, the term of office will be five (5) years, ending on June 30<sup>th</sup>. All members shall serve without compensation.
- B. **Chairman Chair:** A ~~chairman~~ Chair shall be elected by the voting members of the ~~Historic Zoning~~ Commission. His/her term shall be for one year, and he/she may serve for no more than two consecutive terms. The ~~chairman~~ Chair shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The ~~chairman~~ Chair shall appoint any committees found necessary to investigate any matters before the ~~commission~~ Commission.

- C. **Vice-ChairmanChair** : A ~~vice-chairman~~Vice-Chair shall be elected by the Commission from among its members in the same manner as the ~~chairman~~Chair and shall be eligible for re-election. He/she shall serve as ~~acting-chairman~~Acting Chair in the absence of the ~~chairman~~Chair, and at such times, he/she shall have the same powers and duties as the ~~chairman~~Chair.
- D. **Secretary:** A member of the City staff, designated by the City Manager, shall serve as ~~secretary~~Secretary to the Commission. The ~~secretary~~Secretary, subject to direction of the ~~chairman~~Chair of the Commission, shall keep all records, shall conduct all records, shall conduct all correspondence of the Commission and shall generally supervise all clerical work of the Commission. The ~~secretary~~Secretary shall not be eligible to vote upon any matter.
- E. **Elections:** Terms for officers shall end on June 30. Members shall be notified in writing of the election of officers at least thirty (30) days prior to the regular June meeting.
- F. **Attendance at Meetings:** Should a member fail to attend three (3) consecutive regular meetings of the Commission, and should there be no adequate excuse for such absences, the ~~chairman~~Chair, with the concurrence of a majority of the entire Commission, shall recommend to the appropriate authority that a vacancy be declared and that the vacated position be filled.
- G. **Applications Involving Members:** No Commission member shall take part in the hearing, consideration, or determination of any case in which said member has a direct pecuniary interest in the property under consideration.
- H. **Stipulations for continued status as a Certified Local Government:**
1. The ~~Historical-Historic Zoning~~Commission shall submit an annual report to the Tennessee Historical Commission.
  2. All Applicants for Certificates of Appropriateness shall be notified of the ~~historic zoning commission's~~Commission's decision in writing and shall be kept on file and available to the public.
  3. There shall be a maximum sixty (60) days period to fill vacancies in the ~~historic zoning commission~~Commission.
  4. All local survey material shall be compatible with Tennessee's survey of historic buildings and archeological resources, and the survey material, with the exception of archeological sites, will be accessible to the public and provided to the Tennessee Historical Commission.

### **III. DETERMINING BOUNDARIES FOR DISTRICTS AND APPROVING GUIDELINES**

- A. **General:** Tennessee Code 13-7-405 provides: "The Historic Zoning Commission shall have the authority to submit recommendations to the municipal legislative body regarding the creation of historic districts and zones in accordance with the definition set forth in this part. Prior to establishing a historic district or zone the county or municipal legislative body shall refer any historic district or zone proposal to the Historic Zoning Commission for its recommendations and the Historic Zoning Commission shall furnish the legislative body its recommendations on such proposals in writing.

Tennessee Code 13-7-406 provides: "Prior to the establishment of any historic district or zone, the Historic Zoning Commission also shall adopt for each proposed district a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this part...Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the Historic Zoning Commission adopts any such review guidelines."

B. **Procedures:**

1. The Commission may initiate the designation of a ~~district~~ District, or a property owner or group of property owners may request designation of a ~~district~~ District by providing the Historic Zoning Commission with a map showing the boundaries of the proposed ~~district~~ District and a document stating why ~~historic zoning~~ Historic Zoning is being sought, how the area will benefit from or be affected by this designation, why the ~~district~~ District would qualify as a Historic District (see State and City Historic Zoning Ordinance) and what indication they have that the property owners in the proposed district desire ~~historic zoning~~ Historic Zoning.
2. An inventory of buildings will be done in the proposed district.
3. If the Commission agrees that the proposed district is appropriate for ~~Historic zoning~~ Historic Zoning designation, it will create proposed guidelines for the ~~district~~ District in consultation with a committee of property owners for the ~~district~~ District.
4. A notice of a preliminary public hearing and a map defining the boundaries of the proposed ~~district~~ District will be published in the newspaper one (1) week before the hearing is scheduled, and the property owners will be sent a cover letter, a map of the proposed

~~district~~ District and a copy of the proposed guidelines for the ~~district~~ District.

5. A preliminary public hearing will be held for property owners in the proposed ~~district~~ District.
6. A second public hearing will be held for property owners in the proposed ~~district~~ District. A notice of the hearing and a map defining the boundaries of the proposed ~~district~~ District will be published in the newspaper at least (3) days prior to the hearing.
7. The Commission will determine if the ~~district~~ District and proposed ~~guidelines~~ Guidelines be recommended to the City Council. If a decision is made to recommend the ~~district~~ District and ~~guidelines~~ Guidelines, the Commission will furnish the Council its recommendation in writing. (Ordinance form.)
8. The ordinance designating the ~~district~~ District and proposing the ~~guidelines~~ Guidelines will be introduced in the City Council. The ordinance must pass three readings and must be heard on public hearing at the time of the first reading.

#### IV. MEETINGS

##### A. **General:**

All meetings of the ~~Historic Zoning~~ Commission shall be open to the public according to the Murfreesboro City Code. The Commission shall give notice of the place, date, and time of any public hearings, which they hold under the provisions of this ordinance, by publication in any official newspaper or a newspaper of general circulation at least three (3) days immediately prior thereto.

##### B. **Regular Meetings:**

Shall be held on the third Tuesday of each month at 3:30 p.m. at City Hall, unless another site is designated by the Commission or the ~~Chairman~~ Chair.

##### C. **Special Meetings:**

Special meetings of the Commission may be called by the ~~Chairman~~ Chair or by the majority of the membership. At least three (3) days notice of the time and place of special meetings shall be given by the ~~secretary~~ Secretary or ~~Chairman~~ Chair to each member of the Commission; provided, that this requirement may be waived by action of a majority of all the members.

**D. Cancellation of Meetings:**

Whenever there is no business for the Commission, the ~~Chairman~~ Chair may dispense with a regular meeting by giving notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting.

**E. Conduct of Meetings:**

All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

1. Roll call
2. Reading of the minutes of the previous meeting
3. Additions or corrections to the minutes
4. Unfinished business
5. New business

**F. Quorum:**

A quorum shall consist of a majority of the Commission members.

**G. Review Criteria:**

In reviewing applications for certificates of appropriateness Applications for Certificates of Appropriateness the Commission shall take into account the ~~design guidelines~~ Design Guidelines adopted for the ~~historic district~~ Historic District in which the property lies.

**H. Consideration of Application:**

Any party may appear in person or by an agent or attorney at the meeting. The order of business for consideration of the ~~application for Certificate of Appropriateness~~ Application for Certificate of Appropriateness shall be as follows, subject to modification by the ~~chairman~~ Chair or a majority of the members in attendance:

1. The ~~Chairman~~ Chair, or such person as he/she shall direct, shall give a preliminary statement concerning the application;



2. The applicant shall present the arguments in support of ~~his or her~~ the application;

I. Persons opposed to granting the applications shall present the arguments against the application;

J. Statements or arguments submitted by any official, commission, or department of the City of Murfreesboro, any state agency, any expert witness, or any local historical, preservation or neighborhood association shall be presented as directed by the ~~chairman~~ Chair;

1. The applicant shall have the opportunity for rebuttal.

2. The Commission shall thereafter proceed to deliberate whether to grant or deny application. The Commission may, in its discretion, view the premises and obtain addition information concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and, where necessary to effectuate the purposes of the Historic Zoning Ordinance, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances. In considering applications, witnesses may be called and factual evidence may be submitted, but the ~~board~~ Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

K. **Vote:**

The vote of majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present. No Commission ~~member~~ Member shall participate in the decision of any matter in which he the member has a personal or financial interest.

L. **Staff Responsibility:**

1. Before each meeting the staff will see that the applications are complete and at supporting data is sufficient.

2. The staff will write an agenda and ~~sent~~ send it along with the applications and minutes of the previous meeting to Commission ~~members~~ Members in sufficient time so that ~~members~~ Members may receive the information before any meeting.

3. The staff will publish notice of meetings in the newspaper at least three (3) days before any regular meeting, and a reasonable time before special meetings.

4. The ~~secretary~~ Secretary shall take minutes at all meetings and shall tape record meetings at the request of the ~~chairman~~ Chair or the majority of the Commission present at the meeting.

**M. RECORDING-RECORD KEEPING**

1. A copy of the agenda, minutes and tape recordings of all meetings shall be kept by the staff in a file in the office of the Planning and & Engineering Department.
2. A case file will be kept on each application which will consist of a copy of the application, correspondence, supporting data, results, and any other pertinent information. These will be indexed by district, street number and type of work.

**N. APPLICATION REVIEW**

The Commission will be given the agenda and applications, which will come before the Commission one (1) week before the meeting date. It is the general policy of the Commission that members visit the proposed site(s) where work is to take place before meeting time.

**V. ECONOMIC HARDSHIP**

**A. Approval of Removal or Demolition:**

In the event of an application for removal or demolition of a building or other structure ~~with~~ within a ~~Historic Zoning~~ District is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the ~~Historic Zoning~~ Commission and said Commission shall have a period of thirty (30) days from the date of the application was filed to act upon the application. Upon failure of the ~~Historic Zoning~~ Commission to take final action within thirty (30) days, following the availability of the required data, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

**B. Determination of Economic Hardship:**

Each application for removal or demolition shall be considered, taking into account economic hardship. The Commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

1. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current conditions; after completion of the proposed redevelopment, alteration, demolition, or removal; after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from ~~who~~ whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
7. Any other information considered necessary by the Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners. Request for consideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

## **VI. AMENDMENTS**

These rules may, within the limits allowed by law, be amended at anytime by an affirmative vote of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is ~~take~~ taken. Amendments shall be approved by the City Council.

## VII. APPLICATION PROCEDURES FOR WORK IN A HISTORIC DISTRICT

In accordance with the City Code Appendix A Zoning Ordinance, the ~~Murfreesboro Historic Zoning commission~~ Commission (~~Architectural Review Board~~) reviews proposed exterior work, new construction, alterations, additions, demolitions and relocations in Council-designated Historic Districts. Approval is granted by the ~~Historic Zoning Commission~~ through the issuance of a form called Certificate of Appropriateness. (See Tennessee Code and the City Code Appendix A Zoning Ordinance.) This form outlines the work approved by the ~~Historic Zoning Commission~~, and it must be presented to the Planning and Engineering Department before a permit ~~can be~~ is issued by the Buildings and Codes Department for work involving property in a Historic District.

The review is initiated when a person planning to do work ~~in a~~ on property located in a Historic District applies for a building, relocation or demolition permit. According to Murfreesboro City Codes, a building permit is required for all construction work done on a property with the exception of routine maintenance. In a Historic District, a Certificate of Appropriateness is required for fences, walls, street lamps, steps, paving sidewalks, signs, terraces, drives, game courts, decks, roofing and siding when it is visible from a public right-of-way. The Planning and Engineering Department will refer the applicant to the ~~Historic Zoning Commission~~ for review and approval. An Application for a Certificate of Appropriateness will not be considered until all other approvals are secured from the Planning Commission and/or the Board of Zoning Appeals if such approval is necessary.

The ~~Historic Zoning Commission's~~ architectural review process helps to protect the rights, amenities and investments of all property owners in the district, and the ~~Commission is willing to work~~ works with the applicant to see that the process is as simple as possible. The Commission suggests that the preliminary sketches be submitted for review before extensive finished design work has been done to eliminate the possibility that the extensive finished design work might have to be revised to meet the criteria for the issuance of a Certificate of Appropriateness. Design ~~guidelines~~ Guidelines and application forms may be obtained from the Planning & Engineering Department.

- A. Applicant applies for building permit from the Building & Codes Department after a Certificate of Appropriateness is approved from the Planning & Engineering Department and/or the ~~Historic Zoning Commission~~.
- B. The applicant will complete the application for Certificate of Appropriate forms and submit them to the Planning & Engineering Department at least ten (10) working days before the regular monthly meeting of the Historic Zoning Commission, which is held the third Tuesday of the month at 3:30 p.m. at the City Council Chambers, unless changed by the ~~Chairman~~ Chair or the Commission. Assistance in completing the application may be obtained from

the Commission or an appropriate member of the ~~Commission~~ Planning Staff, located at the Planning & Engineering Department.

C. The application for a Certificate of Appropriateness can be assessed properly when it contains the following information:

1. FOR NEW CONSTRUCTION, MAJOR RENOVATION OR MAJOR REPAIRS AND ADDITIONS:

- a. Photographs showing the building front, adjacent buildings, and all affected sides of the buildings.
- b. One copy of scaled drawings showing all revised exterior wall elevation views and plans, materials and details.
- c. Material and color samples of all proposed colors and their locations.
- d. Scaled site plan, if applicable, showing proposed fences, walks, drives, buildings, etc. with details or photos of any fence or wall types and sizes proposed. Adjacent Principal structures or other significant features on adjacent property should be shown, if any are within twelve (12) feet from the property lines.

2. FOR MINOR RENOVATIONS, ALTERATIONS AND REPAIRS:

- a. Photographs showing the building front and all sides and areas affected by the proposed work.
- b. Drawings or written description of the proposed work, to include materials, details, and colors as they relate to the existing structure.
- c. Site plan and building location plan, if needed, to assess the of the appropriateness of the proposed work.
- d. Adjacent Principal structures on the premises or other significant features on adjacent properties may be required to be shown.

3. FOR SIGNS: Scaled drawing showing material, colors, letter style, supports and lighting as applicable.

4. FOR FENCES OR WALLS:

- a. Drawing or photograph of the proposed fence or wall showing

~~and~~ its height and materials.

- b. Scaled site plan showing the location of the fence or wall.
- c. Samples of materials to be used and samples ~~of~~ of proposed paint color(s), if applicable.

5. SITEWORK FOR GAME COURTS, POOLS, DECKS, TERRACES, DRIVES AND ACCESSORY STRUCTURES:

- a. Scaled site plan showing proposed modifications and existing structures, to include ~~adjacent structures within twelve feet of the property line in the affected area.~~ principal structures or other significant features on adjacent properties.
- b. Photographs, drawings and written descriptions of the affected area and proposed work in sufficient detail so that the Commission can properly review the application.
- c. Material samples and paint samples when paint is involved.

6. FOR DEMOLITION OR REMOVAL PERMITS:

- a. Photographs of all facades ~~of Photographs of all faces of buildings(s) building(s) other structures, or other significant features~~ to be demolished or removed, including outbuildings. In the case of removal photographs of adjacent buildings and photographs of the new site.
- b. Statement of purpose of the demolition or removal, proposed reuse of the site and schedule of reuse implementation. The supporting data will be kept by the staff at the Planning & Engineering Department for review by the Commission along with a copy of the completed application.

- D. The staff will send copies of all applications to be heard (along with the agenda and minutes of the previous meeting) to members of the ~~Historic Zoning~~ Commission prior to the meeting.
- E. The applicant may appear at the Commission meeting in person or by agent or attorney if that agent has been given legal right to act for the applicant. The applicant and affected property owners shall be given an opportunity to be heard at the meeting at which the application is presented.
- F. The ~~Historic Zoning~~ Commission shall, within thirty (30) days following the availability of required data, issue to the Building & Codes Department a

Certificate of Appropriateness if the application is approved, with or without attached conditions.

- G. Any changes to the original application made during the meeting will be thoroughly documented through plans, drawings, photographs and notes. The changes will be signed by the applicant or his agent, documented in the minutes of the meeting.
- H. The Building & ~~codes~~ Codes Department shall additionally review applications for building permits which have received approval from the ~~Historic Zoning~~ Commission in the same manner review is made of building permit applications outside of the H-1 District.
- I. The fee charged for building permits within the ~~H-1~~ Historic District shall conform to existing fee schedules for building permits in any other zoning district within the City of Murfreesboro.
- J. Certificates of Appropriateness and building permits for new construction allow six months in which to begin work.
- K. Administrative Approvals: The Planning & Engineering Department staff representative to the ~~Historic Zoning~~ -Commission may administratively approve applications for Certificate of Appropriateness when such actions to the property will not change the appearance of the property. Such activities include but are not limited to the following: the replacement and/or repair of roofs, siding, porch railings, trim and architectural features such as columns, exterior steps, stairs, storm windows and doors, installation of mechanical equipment, sidewalks, driveways, fences and patios.
- L. Both The ~~the~~ Building & Codes Department and the Planning & Engineering Department ~~inspects~~ inspect ongoing work. In cases of ~~non~~ non-compliance with the approved plans, the suggested steps of the staff are as follows:
  - 1. ~~Telephone~~ Contact the owner ~~to alert him of~~ about the problem and ~~to~~ request a meeting to resolve the problem.
  - 2. Issuance of a Stop Work Order, which means that all exterior and interior work must stop until the ~~order~~ Order is lifted. Violations may result in an issuance of a warrant against any workmen on the site.
  - 3. Send the owner a letter by certified mail stating the problem and requesting compliance within a specific time period, with a copy to the City Attorney.

4. Issuance of a citation to appear in City Court for non-compliance with a permit.
5. Refer file to City Attorney ~~for proceedings in Chancery Court~~ for further enforcement action.

~~\*Revisions approved by City Council 5/8/03; CLG stipulations approved by HZC 9/2/03~~



**Architectural**

**Review**

**Brochure**

# MURFREESBORO HISTORIC ZONING COMMISSION

## ARCHITECTURAL REVIEW

### OUTLINE OF PROCEDURE FOR PROPERTY OWNERS IN MURFREESBORO'S HISTORIC ZONE

In 1986 East Main Street Historic District ~~Property~~ property owners petitioned Murfreesboro's City Council to create a ~~historic zone~~ Historic District (H-1) to protect qualities that make it one of the most beautiful and historically significant sections of our community. Without preventing change, historic zone designation provides a degree of legal protection from random demolition and inappropriate remodeling or new construction. The historic zone contains structures dating from the early 19<sup>th</sup> century to the present, thus creating a near textbook example of architectural development during the last two centuries.

In order to maintain the integrity and beauty of historically and architecturally significant neighborhoods, the City of Murfreesboro created the Historic Zoning Commission by ~~city ordinance~~ City Ordinance. This Commission, by law, recommends boundaries for historic zones to the City Council. It then reviews all applications for building, alteration, sign, and demolition permits for properties in ~~zones the Council has designated as local historic zones~~ Historic Districts to ensure the proposed changes are appropriate. The objective is to stimulate the revitalization and stability of these areas and to maintain the integrity of any building of any period. A 1930 bungalow is as architecturally important as 1870 Italianate mansion.

The architectural review process helps to protect the rights, amenities, and investments of all property owners in the ~~zone~~ District, and it aids in ensuring that future citizens of Murfreesboro will be aware of their heritage.

#### I. GENERAL INFORMATION:

All applications for building permits or demolition permits within the designated ~~historic districts~~ Historic Districts are automatically referred to the ~~Murfreesboro Historic Zoning Commission~~ for review. The Planning & Engineering Department will furnish an application form which requests written information to be furnished to the Commission.

The Commission meets at 3:30 p.m. on the third Tuesday of each month in the City Council Chambers at City Hall. It is important that the owner or a representative attend the meeting when the application is reviewed in order to answer any questions that might arise.

The deadline for submission of application is ten (10) working days prior to the meeting. If there are questions concerning the application, the Planning & Engineering Department can assist you.

A time limit of six months is given for beginning the implementation of approved applications.

## **II. INFORMATION TO BE SUBMITTED FOR THE COMMISSION'S REVIEW**

~~The application~~ Application for a Certificate of Appropriateness may be assessed properly for a Certificate of Appropriateness may be assessed properly when it contains the following information.

### **A. ~~FOR NEW CONSTRUCTION, MAJOR RENOVATION, OR MAJOR REPAIRS AND ADDITIONS:~~**

1. Photographs showing the building front, adjacent buildings, and all affected sides of the building.
2. One copy of scaled drawings showing all revised exterior wall elevation views and plans, materials and details.
3. Material samples of all proposed materials and their locations.
4. Scaled site plan, if applicable, showing proposed fences, walks, drives, buildings, etc. with details or photos of any fence or wall types and sizes proposed. Adjacent structures within twelve feet from the property line should be shown. Principal structures and significant other features on adjacent property should be shown.

**NOTE:** The Commission suggests that preliminary design sketches be submitted for review before extensive design work has been done to eliminate the possibility that the extensive finished design work might have to be revised or redone to meet the criteria for the issuance of a Certificate of Appropriateness.

### **B. ~~FOR MINOR RENOVATIONS, ALTERATIONS OR REPAIRS:~~**

1. Photographs showing the building front and all sides and areas affected by the proposed work.
2. Drawings or written description of the proposed work to include materials and details as they relate to the existing structure.
3. Site Plan and building location, if needed, to assess the appropriateness of the proposed work.
4. Adjacent Principal structures on the premises should and significant other features on adjacent properties may be required to be shown. if applicable.

### **C. ~~FOR SIGNS:~~**

1. Scaled drawing showing material, letter style, supports, locations and lighting, as applicable.

**D. FOR FENCES OR WALLS:**

1. Drawing or photograph of the proposed fence or wall showing its height and material.
2. Scaled site plan showing the location of the fence or wall.
3. Samples of materials to be used and samples of proposed paint or stain color, if applicable.

**E. SITE WORK FOR GAME COURTS, POOLS, DECKS, TERRACES, DRIVES AND ACCESSORY STRUCTURES:**

1. Scaled site plan showing proposed modifications and existing structure to include principal structures and significant other features on adjacent properties ~~structures within twelve feet of the property line in the affected area.~~
2. Photographs, drawings, and written descriptions of the affected area and proposed work in sufficient detail that the Commission can properly review the application.
3. Material samples, if applicable.

**F. FOR DEMOLITION PERMITS:**

1. Photographs of all faces of building(s) to be demolished or removed, including outbuildings. In the case of removal, photographs of adjacent buildings and photographs of the new site.
2. Statement of purpose of the demolition, proposed reuse of the site, and schedule or timeframe of reuse implementation.

**For additional information you may contact:**

**Murfreesboro Planning & Engineering Department**  
111 West Vine Street, 2<sup>nd</sup> Floor  
P.O. Box 1139  
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Revised: March 2011

**Questions**

**&**

**Answers**

**Brochure**

# MURFREESBORO HISTORIC ZONING COMMISSION

## QUESTIONS & ANSWERS ABOUT HISTORIC ZONING

1. **Question:** What is the difference between the National Register Historic District and the local ~~historie zone~~ Historic District (H-1)?

**Answer:** The National Register Historic District designation is awarded by the U. S. Department of Interior. Although this status is very prestigious, it comes with no special protections. The local ~~historie zone~~ Historic District (H-1) is a special zoning category contained in the local zoning ordinance.

Once designated, a Historic Zoning Commission is created to maintain the beauty and integrity of the ~~zone~~ District. The Commission is a city board made up of preservation specialists, historians, architects and ordinary citizens. Before anyone can demolish or make exterior modifications to a home or building within a local ~~historie zone~~ Historic District (H-1), the applicant must ~~apply~~ submit to the ~~Historie Zoning~~ Historic Zoning Commission ~~for a~~ an Application for Certificate of Appropriateness (COA). The Commission will assess the proposed change for compliance with the standards established in the zone's **Guidelines for Alterations, Demolitions and Removals**.

Emphasis is placed on preserving street-facades of historic structures visible from a public right-of-way. Standards are generally relaxed for additions and major changes proposed for the rear of buildings. The COA requirement applies not only to homeowners but to business and government entities in the Historic District H-1-zone as well.

2. **Question:** If my house were included in the ~~historie zone~~ Historic District (H-1), would I be required to restore it to its original historic appearance?

**Answer:** No. Property owners inside a ~~historie zone~~ Historic District (H-1) ~~would- are~~ not be required to do anything to their houses. They could maintain them just as they are. Only additions or exterior alterations would require review and approval.

3. **Question:** Would I need to ~~submit a~~ an Application for COA ~~Certificate of Appropriateness~~ to remodel my kitchen or bathroom?

**Answer:** No. ~~Historic zoning- District (H-1)~~ Historic District (H-1) regulations only concern is the exteriors of homes and buildings in the designated zone. Interior Remodeling ~~remodeling~~, renovation and all other interior changes are exempt.

4. **Question:** What if I wanted to paint my house lavender with green trim?

**Answer:** A COA would not be required for repainting a house or other structure in the district. However, the ~~Historic Zoning Commission maintains information and~~ will advise on appropriate historic paint colors, if requested, and could be of assistance in choosing colors that would contribute to the established district.

5. **Question:** My house has a few rotten boards in its wood siding. I can't decide whether to replace the damaged clapboards or re-side the whole house with vinyl siding. If it were in the ~~historic zone (H-1)~~ Historic District, would I have to get a COA to do either?

**Answer:** If you decide to replace the damaged boards to match the existing wood siding, no COA would be required.

If the ~~damaged damage~~ turned out to be substantial, requiring the replacement of a great deal of siding and trim, an administrative approval from the ~~Historic Zoning Commission's staff planner~~ Staff Planner would be required.

~~If,~~ If you decided to re-side ~~you your~~ house with new material such as vinyl siding, you would have to apply for and obtain a COA ~~for~~ from the ~~Historic Zoning~~ Commission.

6. **Question:** I want to build a substantial addition to my house. If it were located in the ~~historic zone (H-1)~~ Historic District would I have to apply for a COA and, if so, could it be denied?

**Answer:** An addition to any structure in the ~~historic zone (H-1)~~ Historic District would requires a COA from the Historic Zoning Commission. If the design of your addition could not be made to conform to the standards set out in the ~~historic zone's~~ **Guidelines for Alterations, Additions, Demolitions and Removals**, the Commission could deny your application. The Commission will grant a COA if the design for an addition is compatible with proportions, style and design of the existing structure. ~~Normally,~~ Additions to the rear and sides of a house, which are not readily-visible from the street, are ~~held to a more flexible standard,~~ not reviewed by the Commission.

7. **Question:** My house is not located within the proposed ~~historic zone (H-1)~~ Historic District. How will the creation of the ~~H-1 zone~~ Historic District benefit me?

**Answer:** The area included inside the proposed ~~historic zone (H-1)~~ Historic District also happens to be one of the areas in the downtown most vulnerable to change and neglect. To the extent that ~~historic zoning (H-1)~~ Historic District status will counteract these threats and prevent the deterioration they can cause, the whole neighborhood will become more stable and the quality of life for everyone in the neighborhood, inside and outside the ~~historic zone (H-1)~~ Historic District, will be preserved and enhanced. Studies have shown that property values increase inside a designated historic zone. What once was a slowly deteriorating area can be stabilized and property values begin to rise.

8. **Question:** If a ~~historic zone (H-1)~~ Historic District is created, but subsequently proves to be unsatisfactory to most of the property owners inside it, can it be undone?

**Answer:** Yes. Historic zoning status is conferred by the City Council according to the City Code. Having created a Historic District as an overlay zone, the Council may subsequently modify the boundaries or may even undo the overlay zone altogether.

9. **Question:** What are some activities that would and would not require a ~~an Application for a COA~~ Certificate of Appropriateness?

**Answer:** Activities that would not require a ~~an Application for a COA~~ Certificate of Appropriateness:

- Interior modifications of any kind
- Repainting
- Landscaping, including gardens, shrubs and trees
- Repairs to walks, driveways, fences and patios
- Repairs to siding, trim, railings, shingles, etc., that match existing materials
- Other routine repairs and maintenance

Activities that would require an Administrative Approval for a ~~an Application for COA~~ Certificate of Appropriateness:

- Storm windows and doors
- Erection of side and rear yard fences
- Installation of exterior mechanical equipment
- Replacement of roofs, siding, porch railings & architectural features such as columns
- Replacement of exterior steps and stairs

Activities that would require a ~~an Application for a COA~~ Certificate of Appropriateness from the Historical Zoning Commission:

- Exterior changes such as additions, changes in siding material, style of windows, doors or architectural features
- Erection of new buildings
- Construction of parking lots and garages
- Replacement of outbuildings
- Demolition or removal of all or part of a structure

10. **Question:** Are there tax benefits from being located within a ~~historic district~~ Historic District? ~~or zone?~~

**Answer:** There is a federal tax incentive program that currently applies to preservation, which is called Rehabilitation Investment Tax Credit (RITC). Certain costs that are incurred due to rehabilitation of an old structure are eligible for a tax credit. There are two credit rates available – 20% for a historic structure and 10% for a non-historic structure. Rehabilitation Investment Tax Credits are available to the owners or certain



long-term renters of income producing properties in a National Registered Historic District.

11. **Question:** Are there other advantages to being a ~~historic zone~~ Historic District?

**Answer:** The Historic Zoning Commission can offer technical assistance and expertise on projects occurring within the ~~historic zone~~ Historic District. Members of the Commission are able to provide information that will enable an applicant to save money on material, on where material may be purchased, or provide alternatives to a project that will fall within the ~~design guidelines~~ Design Guidelines of the district.

12. **Question:** Who is on the Historic Zoning Commission?

**Answer:** The Historic Zoning Commission is composed of nine (9) members consisting of a representative of a local patriotic or historical organization; an architect, if available; a member of the local Planning Commission at the time of such person's appointment; and the remaining members shall be appointed from the community in general. The ~~members of the Historic Zoning Commission shall be~~ are appointed by the ~~chief executive of the municipality~~ Mayor, subject to confirmation by the ~~local legislative body~~ City Council.

**For additional information you may contact:**

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